

by a single inventive concept. Thus, allegation of an undue search burden by the Office cannot provide basis for finding the claims as lacking a single inventive concept.

The present claims are directed to a single inventive concept: a dipeptide containing lysine and glycine in which the lysine side chain is modified by addition of a CO-R<sub>x</sub> group, where R<sub>x</sub> is a substituted aromatic carbon ring. Because the claimed subject matter shares this concept and because the Office has not cited any prior art that destroys the novelty of this concept, it is improper for the Office to require a further restriction. For this reason, reconsideration of the Restriction Requirement is respectfully requested.

In addition, the claims previously recited a single genus structure encompassing both Lys-Gly and the Gly-Lys dipeptides. In their reply of December 14, 2009, Applicants amended the claims to recite two genus structures, following the Office's request that Applicants do so to ensure that prior art is properly applied against the two respective subgenus structures. In making these amendments, Applicants relied upon the Office's assurances that prior art would be applied to both structures and that both would be searched and examined. Accordingly, it is now unfair for the Office to take the position that searching both structures presents an undue burden. For this reason as well, reconsideration of the Restriction Requirement is requested.

Enclosed is a Petition to extend the period for replying to the Restriction Requirement for four (4) months, to and including December 22, 2010. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,



Jeffrey C. Kessler

Reg. No. 57,727

for

Date: Dec 22, 2010

Kristina Bieker-Brady, Ph.D.

Reg. No. 39,109

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045